

UNITED STATES DISTRICT COURT

JOSEPH P. SCHMITT, pro se.,
Plaintiff,

v.

C.A. No.: 2005-11348-NG

ROBERT MURPHY, et al.,
Defendants.

AFFIDAVIT AS TO MILITARY SERVICE

State of Massachusetts)

ss: U.S. District Court (Boston)

County of Plymouth)

Joseph P. Schmitt, under pains and penalties of perjury,
deposes and says:

1. I am the pro se plaintiff in the above entitled matter.
I make this affidavit pursuant to the requirements of the Soldiers'
and Sailors' Civil Relief Act, 50 U.S.C., Appendix, § 520.

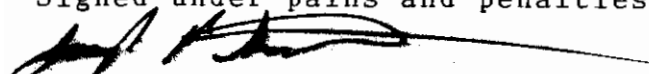
2. The Defendants Robert Murphy, Robert Clauss, Kathleen
Dennehy and Timoyhy Hall have been employed by the Department of
Correction from atleast the time this action was filed with the
court to the present date.

3. The defendant Duane Maceachern was actively employeed by
the department of Correction for a large portion of time since the
filing of this action and is presently retired.

4. Based on the above facts, the plaintiff is convinced that
none of the named defendants in this matter are in the military of
the United States of America.

Dated: May 24, 2007

Signed under pains and penalties of perjury;



Joseph P. Schmitt, pro se
Plaintiff
Nemasket Correctional Facility
30 Administration Road
Bridgewater, Massachusetts
02324-3230